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# TRAINING SPONSOR

## Update

MIOSHA - Asbestos Program

## Building Surveys: Building Owner/Employer Responsibilities



Owners of pre-1981 buildings (excluding owner occupied residential housing) and employers have many potential obligations and responsibilities under Part 305, the *MIOSHA Asbestos for General Industry Standard*, and Part 602, the *MIOSHA Asbestos Standards for Construction*. The primary responsibility of building owners is to assure that their pre-1981 building(s) have been surveyed for asbestos-containing materials (ACM) and that the asbestos survey results are provided to their employees, other employers that occupy the building, and outside contractors that may work in or adjacent to areas containing ACM.

### What should pre-1981 building owners do if they suspect ACMs are present in their building?

If a comprehensive building survey does not exist, the building owner should contact an environmental consulting firm that has Michigan accredited asbestos building inspectors to conduct an asbestos building survey that locates and quantifies the ACM and/or presumed asbestos-containing materials (PACM) present.

Unless ACM is crumbling and in poor condition, it may be SAFER to leave it in place. The material should be periodically inspected for signs of damage or deterioration. If it is decided to have the material removed, the technical staff of the Asbestos Program or an environmental consultant can provide information in regard to the following:

1. The proper "do-it-yourself" abatement procedures, if applicable
2. The names of Michigan licensed asbestos abatement contractors who can properly remove the ACM, and
3. What to watch for if an asbestos abatement contractor is hired.



### What should an employer in a leased space do if the building doesn't have an asbestos survey?

If a building owner does not have a survey, an option for an employer in a leased space is to hire an accredited asbestos inspector or Certified Industrial Hygienist (CIH) to conduct an asbestos survey of the leased area. This limited survey will help ensure the safety and health of employees in the leased area. It is important to recognize, however, that the building owner is legally obligated to complete a comprehensive building survey for all ACM in the building.

### Is an employer in a leased space responsible to ensure that employees have asbestos awareness training?

Potentially, yes. Pursuant to Part 305 Section (j)(2)(iii), housekeeping employees must be informed of the areas they work in that contains ACM/PACM. Furthermore, section (j)(7)(iv) of that standard also requires an employer to provide asbestos awareness training to the custodial and/or janitorial staff. Asbestos awareness training assists custodial and janitorial staff in identifying ACM/PACM and in understanding the information contained within the survey. Asbestos awareness training helps ensure that employees do not inadvertently disturb ACM. It also addresses requirements under the standard pertaining to housekeeping activities. Asbestos awareness training can be obtained from an environmental consultant

or a person who is knowledgeable of the subject matter.

### What if a building owner or employer in a leased space discovers a building material that may contain asbestos?

All work activities that may disturb a suspect material must cease until a sample of the material has been obtained and analyzed. Due to the sampling procedures that must be followed and the varying number of material samples that must be obtained, an accredited inspector should be contacted to obtain the sample(s). Work that will disturb this material should not continue until the suspect material has been proven to be negative for asbestos or has been properly abated.

### ACM/PACM is identified during construction or maintenance activities. What must an employer in a leased space do if they are responsible for these work activities?

First, the information on the newly discovered ACM/PACM must be conveyed to the building owner pursuant to Part 602, (k)(4). The information must include the location and quantity of this newly discovered ACM. Second, it must be decided whether abatement of the ACM by a Michigan licensed asbestos abatement contractor will be necessary.

## Asbestos Building Surveys

All asbestos building surveys require the following:

1. Accredited Asbestos Building Inspectors or Certified Industrial Hygienist (CIH)
2. A listing of the location(s) and quantities of ACM/PACM. (Due to sampling requirements, all suspect materials must be quantified.)
3. A listing of the number of samples taken for each suspect ACM. [To verify compliance with 29 CFR 1910.1001(j)(8)(ii)(A) and (B), surveys must include the quantity and results for each suspect ACM and presumed asbestos-containing material (PACM).]



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# Asbestos Linked to Larynx Cancer?

Is it true? Does exposure to asbestos cause larynx cancer? The U.S. Government's Institute of Medicine believes there is a substantiated link between larynx cancer and asbestos exposure.

It is well known that asbestos fibers, while not poisonous themselves, can be dangerous if inhaled or ingested into the body. Asbestos exposure has long been linked with a number of serious diseases such as mesothelioma, lung cancer, and asbestosis. Researchers are now finding that asbestos exposure may be related to other types of illnesses. Recently the U.S. Government's Institute of Medicine established a link between asbestos exposure and cancer of the larynx.

This discovery is the result of a request made by the U.S. Senate for a series of studies to investigate possible relationships between asbestos exposure and a number of cancers of the body. Thus far, the study suggests a link between asbestos exposure and larynx cancer.

## What is Cancer of the Larynx?

Cancer of the larynx is often referred to as larynx cancer or laryngeal carcinoma and can develop in the body's "voicebox." The larynx encloses and protects the vocal cords and is situated in the upper-throat alongside the trachea and esophagus.

Cancer of the larynx is usually caused by smoking and excessive alcohol consumption. The U.S. Government's Institute of Medicine traced approximately nine cases of laryngeal cancer to asbestos exposure. Fibrous asbestos particles are easily inhaled. When inhaled, the fibers can become lodged in the mouth, throat and lungs. If these asbestos fibers become lodged in the larynx, they can potentially lead to the development of an asbestos tumor in the form of laryngeal cancer.

## What are the Symptoms of Larynx Cancer?

Some factors that signal the onset of larynx cancer are patient age/health, the tumor size and the tumor location. The most common symptom of laryngeal cancer is chronic hoarseness or a lingering sore throat. A persistent cough can also be an indicator of the development for cancer of the larynx.

A lump or growth in the neck, chronic bad breath, an unusual high pitched sound in the voice, and/or inner ear pain may also be symptoms of larynx cancer that should alert an individual to seek medical attention.

## How is Larynx Cancer Diagnosed and Treated?

A physician will first want to substantiate a patient's family and medical histories when s/he learns of the symptoms exhibited by the patient. If the symptoms appear to be related to the symptoms of laryngeal cancer, a physical examination that includes an X-ray, MRI or CT scan may be requested. In addition, a nasal endoscopy (a fiber optic endoscope inserted through the nostrils in order to visualize the larynx) will be conducted. This quick procedure will determine if there is abnormal cellular growth on the outer surface of the larynx.

If larynx cancer is suspected, a biopsy will be required in order to make a final diagnosis. The best course of treatment would be traditional surgery, chemotherapy, and radiation therapy. Successful treatment is usually evaluated on a case-by-case basis.

## What is the Prognosis for Laryngeal Cancer?

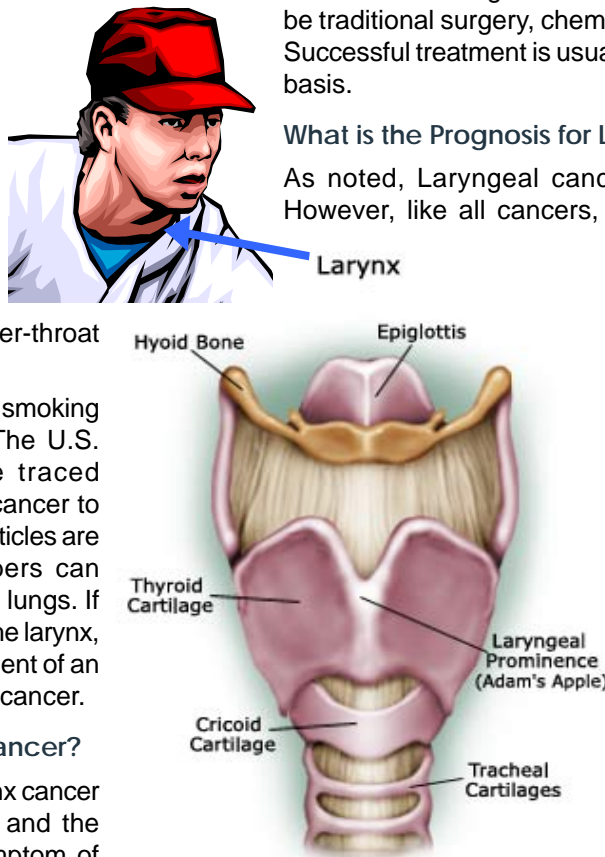
As noted, Laryngeal cancer is a treatable malignancy. However, like all cancers, prognosis depends upon how advanced the malignancy is and where in the larynx it is located. Based on historical data, approximately 65% of all persons diagnosed with laryngeal cancer will live for at least five years and 55% of laryngeal cancer patients will live for at least 10 years.

It is important to recognize that the sooner larynx cancer treatment can begin, the better the chances of patient survival. Prognosis can be affected by external factors such as whether or not the patient is a smoker or in good health. As with other asbestos-related diseases, laryngeal cancer may be more difficult to control in a habitual smoker than someone

in otherwise excellent health.

## What Preventative Precautions can be Taken?

If you smoke and work with asbestos, quit. If you are a heavy alcohol drinker and work with asbestos, stop. If you work with or around asbestos, follow appropriate work practices and proper respiratory protection.



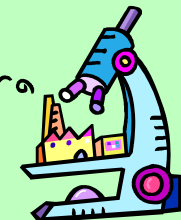


## Electrical Safety on Abatement Projects

**I**s a consulting firm, who brings a microscope to the project site, required to plug the microscope into a Ground Fault Circuit Interrupter (GFCI)?

If the microscope is plugged directly into a permanent power source, such

as the building's electrical supply, then the answer is "no" a GFCI is not required.



If the microscope is utilized in a wet location or is plugged into an extension cord, then "yes" a GFCI would be required.

**D**oes an asbestos abatement contractor's equipment have to be plugged into GFCIs?

Since an abatement contractor's environment is typically wet, all equipment must have GFCIs. Also, all electrical circuits within a negative pressure enclosure must be deactivated unless equipped with a GFCI.

Some electrical motors will have a reset button. It is important to recognize that a reset button on such equipment is there to protect the equipment, not the operator. It is not a GFCI.

Although not required, it is preferable to have GFCI placed at all construction related power sources.

**D**oes electrical equipment have to be grounded?

If an electrical plug has a missing ground pin or a broken ground wire, a defective ground will result. This will cause the machine or apparatus to become potentially dangerous. A defective ground should be repaired immediately. Please remember to take care of your equipment and extension cords.



## Showers/Remote Showers/Decontamination Trailers

**I**t is not physically feasible to construct a shower adjacent to an enclosure, what must an abatement contractor do?

A contractor may use a remote shower. When a remote shower is utilized, the abatement workers must HEPA vacuum their protective clothing or remove the protective clothing and don clean work suits prior to exiting the equipment area. Please be aware, the abatement workers, while still wearing their respirator, must proceed directly to the remote shower. If at all possible, the shower must be constructed adjacent to the regulated area as noted in 29 CFR 1926.1101(j)(1)(i)(B).

If there is asbestos-containing materials throughout the building and the asbestos abatement contractor has the ability to restrict access to the entire building, what can an abatement contractor do?

If the asbestos abatement contractor has the ability to restrict access to the entire building, a decontamination trailer may be positioned next to an entrance to the building. Please be aware, the entrance of the building, as well as the area leading to the shower trailer, would be considered part of the regulated area until the asbestos project has been completed. Therefore, the entire regulated area, including the entrance and the area leading to the decontamination trailer, must be demarcated. Also, the respirator must not be removed until the individual has showered.

**When must an abatement contractor set up a shower?**

A shower is required for all Class I asbestos abatement projects involving over 25 linear or 10 square feet of thermal system insulation (TSI) or surfacing material.

**What if greater than 25 linear feet of TSI is removed from multiple areas throughout the building, is a shower still needed?**

Yes, a contractor cannot limit the linear foot tally by dividing up a single project by area to avoid the shower requirement. If the project total is over 25 linear and considered a single project, then the contractor would need to set up a shower. The location of the shower should be as close to the regulated area(s) as possible. If TSI is scattered throughout many rooms, then the shower may be utilized in a central location if feasible; or a decontamination trailer may be utilized. Please be aware, the shower cannot be within the regulated area. In addition, proper procedures [29 CFR 1926.1101(j)(1)(i)(B)] must be realized when traveling to a remote shower.



**A contractor is demolishing a building containing Class I asbestos-containing material (ACM). Does the contractor really need to provide and ensure that demolition/asbestos workers use a shower?**

Yes, the hygiene shower requirements are mandated for all Class I asbestos projects involving over 25 linear or 10 square feet of TSI or surfacing material. If the building contains the above mentioned ACM, then the contractor must ensure that demolition/asbestos workers use a shower. A remote shower would be encouraged (and probably preferred) in this case. Please remember to follow the remote shower procedures listed in 29 CFR 1926.1101(j)(1)(i)(B).

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Update



# Demo

**T**his article is provided as a general summary of the responsibilities of demolition contractors in regard to the Michigan Occupational Safety and Health Administration (MIOSHA) rules and regulations. This article does not address the specific National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements for demolition.

Part 602, the OSHA Asbestos Standards for Construction [29 CFR 1926.1101(k)(2)(i)] requires that a thorough asbestos inspection must be conducted of all pre-1981 building facilities. This survey must identify the presence, location, and quantity of asbestos-containing materials (ACM) and/or presumed asbestos-containing materials (PACM) within the building.

A building that is slated for demolition may contain ACM that will remain within the building during the demolition activities. Please contact the Asbestos Program of the Michigan Department of Environmental Quality (DEQ) if you have questions in regard to the types of asbestos materials that may remain in a building that is to be demolished and for any additional NESHAP requirements.

If a demolition contractor demolishes a building containing ACM, what does MIOSHA require?

To minimize obligations under MIOSHA, removal of all ACM is encouraged. However, when the ACM is to remain within the building then the demolition activities are regulated by Part 602. Please note, a contractor must comply with Part 602 regardless

of the amount of ACM being removed or disturbed. In addition, the following requirements must be in place prior to the disturbance of ACM:

## Training

Whether the facility contains Class I or Class II ACM, demolition involving ACM requires a 40-hour trained competent person. Accreditation is also required for Class I and friable Class II projects. There are two exceptions to this competent person training requirement involving flooring and roofing that are removed intact utilizing the compliant work practices specified in Part 602 for these materials.

Demolition involving a facility containing Class I materials requires 32-hour trained and accredited workers, while demolition of buildings containing non-friable Class II ma-



terials require workers be trained 8 or more hours depending on the number of Class II materials involved. 32-hour worker training and accreditation is required for friable Class II projects.

## Work Practices and Procedures

All projects involving the demolition of a building with ACM must address the establishment of a regulated area. Contractors must also address the need for engineering controls, air monitoring, respiratory protection, personal protective equipment, decontamination area, worker/supervisor training, and potentially medical surveillance. Many of these specific work practices and procedures are dependent upon whether the ACM being removed remains intact and/or whether a negative exposure assessment (NEA) has been produced.

## Licensure/Project Notification

If the ACM is or will become friable during any part of the demolition, a licensed asbestos abatement contractor or licensed exempt trade group as specified in Michigan Public Act 135

## DEMOLITION OF A BUILDING

### No Asbestos

#### Requirements

#### No MIOSHA Asbestos Requirements

- MIOSHA Demolition requirements (Part 20)
- NESHAP Requirements (Notification)

#### Requirements for Class I

#### TSI & Surfacing ACM

- Licensed Asbestos Abatement Contractor or Exempt Licensed Trade Groups
- Project notification if project > 10' or 15 ft<sup>2</sup>
- 40-hour trained/accredited competent person - accreditation excludes residential <10 units
- 32-hour trained/accredited worker(s) - accreditation excludes residential <10 units
- Regulated Area (Restrict Access to work site)
- Air Monitoring
- Wet Methods
- Decontamination Unit (Shower > 25' or 10 ft<sup>2</sup>; Drop cloth & HEPA vacuum < 25' or 10 ft<sup>2</sup>)
- Respirators\*
- Medical surveillance\*\*
- PPE\*\*\*
- Waste disposal (sealed impermeable bags/containers)
- Engineering controls for partial interior demolition and pre-building demolition interior removals (isolation/containment)
- NESHAP Requirements



#### Key:

- **ACM:** Asbestos-Containing Material
- **HEPA:** High Efficiency Particulate Air
- **NEA:** Negative Exposure Assessment
- **>PEL:** Greater than Permissible Exposure Limits
- **>=PEL:** Greater than or equal to Permissible Exposure Limits
- **PPE:** Personal Protective Equipment (i.e., protective clothing)
- **TSI:** Thermal System Insulation

#### \*Respirators

- Mandatory if
  - Non-intact removal, or
  - No NEA, or
  - > PEL, or
  - Dry removal (except for intact roofing where NEA obtained), or
  - In emergencies, or
  - Class I

#### \*\*Medical Surveillance

- Mandatory if
  - Wearing negative-pressure respirator, or
  - Exposed >= PEL >= 30 days of work/year, or
  - Class I, II, or III work >= 30 days/year

#### \*\*\*PPE

- Mandatory if
  - Class I if > 25' or 10 ft<sup>2</sup>, or
  - No NEA, or
  - > PEL

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# lition

of 1986, as amended, the *Asbestos Abatement Contractor Licensing Act*, must be utilized to perform the demolition activities. The licensed exempt trades (plumbers, electrician, mechanical contractors, residential building, and maintenance alteration contractors) are limited to projects that are incidental to their primary licensed trade that do not exceed 260 linear feet or 160 square feet of friable ACM.

Regarding project notifications, licensed asbestos abatement contractors must notify the Department of Labor and Economic Growth's Asbestos Program of all projects exceeding 10 linear feet or 15 square feet of friable materials at least 10 days before beginning the project. Exempt licensed trades must notify before beginning these projects.

**What should a compliance officer see when conducting an inspection at a demolition site?**

- Restricted access to the site (i.e., regulated area).

- Wet methods (i.e., a water hose spraying water on the building debris).
- Labeled, lined dumpsters for ACM wastes.
- A means of personal decontamination (i.e., shower or drop cloth and HEPA vacuum - whatever applies) for employees unless only Class II ACM is involved and an NEA is obtained.
- Demolition workers wearing respirators and personal protective clothing unless it is intact Class II work and an NEA has been obtained.

**What should a compliance officer not see when conducting an inspection at a demolition site?**

- An unregulated demolition site with unauthorized persons on the site.
- A concrete crusher if there is floor tile remaining on the concrete slab.



- Persons without respirators within the regulated area where non-intact Class II work is being performed or where an NEA has not been obtained on intact Class II work.

**MIOSHA's Demolition Standard, Part 20, also regulates demolition activities. Specific information regarding this standard is listed below:**

Rule 2031. (1) Before the start of a demolition operation, an employer shall ensure that all of the following are done:

(a) An engineering survey of the structure and equipment is conducted by a competent person knowledgeable in demolition to determine:

- (i) The condition of the foundation, roof, walls, and floors.
- (ii) Whether any adjacent structure will be affected by the demolition.
- (iii) The utility service entering the building.
- (iv) Any other conditions and equipment affecting the safety of an employee.

(b) Ensure that there is a written report of the engineering survey at the field office until the completion of the job. The report shall include information such as the name of the person conducting the survey, date of the survey, and hazardous substances and dangerous conditions found and their location.

## BUILDING/STRUCTURE

**Asbestos**

### Requirements for Class II

#### 1 Non-Intact Class II ACM

(i.e., roofing materials, flooring materials, siding materials, ceiling tiles, or transite materials)

- Licensed Asbestos Abatement Contractor or Exempt Licensed Trade Group, if friable
- Project notification if friable project > 10' or 15 ft<sup>2</sup>
- 40-hour competent person training and accreditation (if friable) - accreditation excludes residential < 10 units
- 32-hour worker training and accreditation on friable projects - excludes residential < 10 units
- 8 or more hours worker training (non-friable)
- Regulated Area
- Air Monitoring or NEA
- Wet Methods
- Decontamination Area (Drop cloth + HEPA vacuum) if no NEA
- Respirators\*
- Medical surveillance\*\*
- PPE\*\*\*
- Waste Disposal (sealed impermeable bags/containers)
- Engineering controls for partial interior demolition and pre-building demolition interior removals (isolation/containment and drop cloths beneath work area)
- **NESHAP Requirements**

#### More than 1 Non-Intact Class II ACM

(i.e., roofing materials, flooring materials, siding materials, ceiling tiles, or transite materials)

- Licensed Asbestos Abatement Contractor or Exempt Licensed Trade Group, if friable
- Project notification if friable project > 10' or 15 ft<sup>2</sup>
- 40-hour competent person training and accreditation (if friable) - accreditation excludes residential < 10 units
- 32-hour worker training and accreditation on friable projects - excludes residential < 10 units
- > 8 hours worker training (non-friable)
- Regulated Area
- Air Monitoring or NEA
- Wet Methods
- Decontamination Area (Drop cloth + HEPA vacuum) if no NEA
- Respirators\*
- Medical surveillance\*\*
- PPE\*\*\*
- Waste Disposal (sealed impermeable bags/containers)
- Engineering controls for partial interior demolition and pre-building demolition interior removals (isolation/containment and drop cloths beneath work area)
- **NESHAP Requirements**

#### Definitions:

**Intact:** means that the ACM has not crumbled, been pulverized, or otherwise deteriorated so that asbestos is no longer likely to be bound to its matrix.

**Friable:** means ACM that can be crumbled, pulverized, or reduced to powder when dry, by hand pressure.

**Asbestos-Containing Material:** means any material containing more than one percent asbestos.

**Accredited:** means individuals accredited under the Asbestos Workers Accreditation Act (Act 440, P.A. 1988, as amended).

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## Compliance Corner

**A**n abatement contractor was performing Class II floor tile removal. The contractor set up a shower for decontamination, which exceeded the hygiene requirements for this type of work. When the Department Representative conducted their onsite inspection, they witnessed an employee exiting the enclosure without taking a shower. A citation was issued to the contractor for failure to ensure the employees decontaminated. The contractor stated that they did not understand the citation because they had exceeded the hygiene requirements.

Indeed, setting up the shower facilities exceeded the requirement for hygiene facilities in this case. However, the employees were not utilizing the decontamination unit and they did not have a negative exposure assessment (NEA). Therefore, it did not matter that a shower was set up. What mattered was that employees were not performing any type of personal decontamination.

An abatement contractor was performing Class II floor tile removal. When the Department Representative conducted their onsite inspection, no personal air sampling was being performed and the competent person indicated an NEA had not been performed. Therefore, a citation for failure to perform exposure monitoring was issued to the contractor.

Contractors can rely on the floor tile industry's NEA if they are conducting floor tile removal according to the floor tile settlement agreement established with the Federal Occupational Safety and Health Administration and the floor tiles remain intact during the removal. However, if a contractor removes floor tile using other methods or if the floor tile is rendered non-intact, they must generate their own NEA. Please be aware, it is the competent person's responsibility to know whether a project has an NEA. They must also recognize that they cannot utilize abatement workers with less training than the workers used to generate the NEA.

A building is being renovated. Floor tile is disturbed during the renovation. When the Department Representative conducted their onsite inspection, the Representative was informed that the building did not have an asbestos building survey. A citation for lack of air monitoring, improper work practices, lack of respiratory protection and lack of asbestos training was issued to the contractor disturbing the material.

Asphalt and vinyl flooring material installed no later than 1980 must be considered as asbestos-containing unless the contractor, pursuant to Part 602 (k)(5)(iii), determines that it is not asbestos-containing. Therefore, the contractor must have treated the floor tile as asbestos-containing unless appropriate material samples had been collected and analyzed verifying the flooring materials contained <1% asbestos. In this case, there was no building survey and thus no analysis of the floor tile. Additionally, the contractor did not obtain a material sample of the floor tile. *In summary, if a contractor disturbs a presumed asbestos-containing material (PACM) or pre-1981 asphalt and vinyl flooring materials, and cannot demonstrate that these materials are non-ACM, then the contractor must comply with all applicable Class I, II, or III requirements. Technically, these citations would stand even if the Department Representative collected a material sample and the analysis revealed <1% asbestos content in the PACM. However, in most circumstances the contractor would be cited for not properly rebutting the assumption of being a PACM.*



## Accreditation –

**W**hat credentials should an abatement contractor have on an asbestos abatement project site?

Abatement workers and competent persons (or any accredited individual) must have their accreditation card on site. They should also have a second picture identification (a driver's license or green card) to help confirm their identification. Failure to do so potentially subjects the employer to loss of licensure, and the worker to loss of accreditation and monetary penalties.

**A** worker has lost their accreditation card. What must be done?

As soon as the worker discovers their card is lost, a written request for a replacement card must be made to the Asbestos Program. The request must include the submission of a \$25.00 replacement fee. Please be aware, Public Act 440; section 15 requires an accredited worker to have their accreditation card at the asbestos abatement work site location.

## Did you know that . . .

. . . **asbestos building surveys** should list all suspect asbestos-containing material (ACM) and their quantities, which would include all confirmed ACM and all suspect ACM that tested negative.

. . . **when conducting asbestos awareness training**, it is mandatory to share the asbestos survey results with persons performing construction work or housekeeping work activities in an area containing ACM/PACM.

. . . **under AHERA, a management planner** must sign the three-year reinspection.

. . . **Asbestos Awareness Training**, 16-hour training, 8-hour training, and all Environmental Protection Agency (EPA) approved training courses must cover what is suspect ACM and the difference between homogeneous areas.

. . . **if a lab table/bench** is secured to the floor, then that table/bench is part of the building structure and included in the AHERA management plan. However, if the lab table is truly a table that is not secured to the floor, then it is not required to be included in the AHERA management plan.

## TRAINING SPONSOR



# Sealing and Labeling of Asbestos Waste

The Housekeeping section of Part 602, *the MIOSHA Asbestos Standards for Construction* (29 CFR 1926.1101) requires all asbestos-containing material (ACM) waste be collected and disposed of in sealed, labeled, and impermeable bags or containers, regardless of friability or whether it is intact. However, if the ACM was left in-place during demolition in accordance with the NESHAP regulation, would MIOSHA expect that waste material to be placed into sealed and labeled containers in accordance with Part 602's Housekeeping section? If not, would this exemption include materials such as asbestos-containing flooring, caulking, and roofing?

**T**he Environmental Protection Agency's (EPA's) primary mission is to protect the environment and the general public through education, promulgation, and enforcement of various regulations, which includes the National Emission Standards for Hazardous Air Pollutants (NESHAP) standard.

The Occupational Safety Health Administration (OSHA) and the Michigan Occupational Safety and Health Administration's (MIOSHA) mission is to protect employees in the workplace through education, promulgation, and enforcement of its regulations.

The EPA's NESHAP standard dictates what types of ACM must be removed from buildings/facilities prior to demolition. These requirements are intended to control the amounts of asbestos fibers released into the environment, thereby reducing the hazard to the general public and environment.

The OSHA *Asbestos Standards for Construction* does not specifically mandate what types of ACM must be removed from buildings/facilities prior to demolition. It simply addresses the work prac-

tices and procedures required to minimize employee exposures to asbestos during construction work activities.



The housekeeping provisions in Part 602(l)(2) does not make any distinction between the types of ACM consigned for disposal. It states asbestos-containing waste must be placed in sealed, labeled, impermeable containers, except for ACM roofing materials, which must be placed in a closed receptacle to preclude dispersion of dust. If this section were interpreted literally as written, it would imply that all ACM be either removed from a building/facility prior to demolition or all demolition debris be treated as ACM and placed in sealed and labeled impermeable containers. This, in effect would supercede EPA's NESHAP requirements.

The MIOSHA - Asbestos Program does not believe it was the intent of Federal OSHA to supercede the EPA NESHAP requirements pertaining to ACM removal prior to building/facility demolition. We believe the intent of the housekeeping provision in Part 602(l)(2) was to address ACM removed during the course of building/facility renovations, repairs, and partial demolition work associated with renovations and repairs.

Consequently, the Asbestos Program does not enforce this housekeeping provision as it is literally written on full build-

ing/facility demolition projects where ACM is allowed to remain in a building.

It is, however, important to recognize that even when ACM is allowed to remain in a building/facility during demolition, an employer must comply with other applicable requirements of Part 602 for the class of material remaining in a building/facility during demolition (e.g. regulated area, personal air monitoring, wet methods, respiratory protection, personal protective equipment, hygiene facilities, training, etc.). Additionally, in situations where dumpsters are utilized on the demolition site for the collection of demolition building debris that contains ACM, we do expect and require ACM labeling on the dumpster while it is on the actual demolition site. Furthermore, if any friable materials were allowed to remain in a building/facility during demolition or if friable ACM is created during demolition, the contractor would also be required to comply with all applicable requirements of the *Asbestos Abatement Contractors Licensing Act* (Act 135, P.A. 1986, as amended) and the *Asbestos Workers Accreditation Act* (Act 440, P.A. 1988, as amended).

In conclusion, we believe our interpretation and application of the housekeeping provisions of Part 602 is consistent with the original intent of the standard. We are also confident that the

health of employees working on building/facility demolition projects of this nature will not be placed at additional risk when all other applicable requirements of the standard are followed.



## TRAINING SPONSOR



## Medical Surveillance Questions?



**W**hat is required in a "Written Physician's Opinion?" Does an employer need a different "Written Physician's Opinion" for every contaminant (i.e., lead, asbestos, etc.), which could result in an employee having several "Written Physician's Opinions?"

The expanded standards (i.e., lead, asbestos, acrylonitrile, cadmium, etc.) have specific 'Written Physician's Opinion' requirements. Therefore, employers must have a "Written Physician's Opinion" for each expanded standard an employee is subject to or a modified single written opinion that addresses all topic requirements in the applicable expanded standards.

A Michigan licensed asbestos abatement contractor is ceasing to do business and there is no successor to

take over the company's records. What is this company to do with their records?

The employer must follow the requirements of the MIOSHA Employee Medical Records and Trade Secrets Standard (Part 470, Rule 25), which requires the employer to notify (at least 3 months prior to cessation of the employer's business) affected employees of their right to access their personal records and contact the director of the Michigan Department of Labor and Economic Growth. Please contact the MIOSHA-Asbestos Program to determine whether a records transfer will be required.

Which questionnaire, or do both questionnaires [1926.1101 (*MIOSHA Asbestos Standard for Construction*) and 1910.134 (*Respiratory Protection Standard*)], have to be completed by an employee when several

contaminants may be present (i.e., asbestos, lead, etc.)?

For medical surveillance under 1926.1101, the questionnaire is mandatory and will suffice for the required questionnaire in 1910.134 (as long as the medical examination required by 1926.1101 has been performed).

Please be reminded, if a contractor is working with contaminants involving an expanded standard (i.e., asbestos, lead, or cadmium) then the contractor would be expected to follow the specific guidelines in the expanded standard. If the contractor is working with chemicals or contaminants not involved in expanded standards, then the contractor would follow 1910.134.

# 20th Anniversary

Last year marked the 20th year that the MIOSHA-Asbestos Program has been in existence. On June 24, 1986, the state of Michigan passed Act 135, P.A. 1986, the *Asbestos Abatement Contractors Licensing Act* which established the Asbestos Program.

## TRAINING SPONSOR

### MIOSHA - Asbestos Program

The Training Sponsor Update is published periodically by the Michigan Department of Labor and Economic Growth (DLEG), Asbestos Program; which is responsible for assuring that people working with asbestos or individuals performing asbestos abatement activities are properly trained and comply with rules governing the work activity.

The purpose of the Training Sponsor Update is to educate Michigan training providers, contractors, and other interested parties, offer suggestions, and present updated information in regards to asbestos. It is hoped that this information will improve course content and structure as well as inform others of asbestos-related matters.

This document is in the public domain and we encourage reprinting.

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